



General Assembly

February Session, 2014

Raised Bill No. 198

LCO No. 1205



Referred to Committee on INSURANCE AND REAL
ESTATE

Introduced by:
(INS)

***AN ACT CONCERNING THE CLAIMS DATA PROVIDED TO CERTAIN
EMPLOYERS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 38a-513f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Claims paid" means the amounts paid for the covered
5 employees of an employer by an insurer, health care center, hospital
6 service corporation, medical service corporation or other entity as
7 specified in subsection (b) of this section for medical services and
8 supplies and for prescriptions filled, but does not include expenses for
9 stop-loss coverage, reinsurance, enrollee educational programs or
10 other cost containment programs or features, administrative costs or
11 profit.

12 (2) "Employer" means any town, city, borough, school district,
13 taxing district or fire district employing more than fifty employees.

14 (3) "Utilization data" means (A) the aggregate number of procedures
15 or services performed for the covered employees of the employer, by
16 practice type and by service category, or (B) the aggregate number of
17 prescriptions filled for the covered employees of the employer, by
18 prescription drug name.

19 (b) Each insurer, health care center, hospital service corporation,
20 medical service corporation or other entity delivering, issuing for
21 delivery, renewing, amending or continuing in this state any group
22 health insurance policy providing coverage of the type specified in
23 subdivisions (1), (2), (4), (11), (12) and (16) of section 38a-469 shall:

24 (1) Not later than October first, annually, provide to an employer
25 sponsoring such policy, free of charge, the following information for
26 the most recent thirty-six-month period or for the entire period of
27 coverage, whichever is shorter, ending not more than sixty days prior
28 to the date of the [request] provision of such information, in a format
29 as set forth in subdivision (3) of this subsection:

30 (A) Complete and accurate medical, dental and pharmaceutical
31 utilization data, as applicable;

32 (B) Claims paid by year, aggregated by practice type and by service
33 category, each reported separately for in-network and out-of-network
34 providers, and the total number of claims paid;

35 (C) Premiums paid by such employer by month; [and]

36 (D) The number of insureds by coverage tier, including, but not
37 limited to, single, two-person and family including dependents, by
38 month; and

39 (E) Written plan descriptions for all populations covered by such
40 policy;

41 (2) Include in such information specified in subdivision (1) of this
42 subsection only health information that has had identifiers removed, as

43 set forth in 45 CFR 164.514, is not individually identifiable, as defined
44 in 45 CFR 160.103, and is permitted to be disclosed under the Health
45 Insurance Portability and Accountability Act of 1996, P.L. 104-191, as
46 amended from time to time, or regulations adopted thereunder; and

47 (3) Provide such information (A) in a written report, (B) through an
48 electronic file transmitted by secure electronic mail or a file transfer
49 protocol site, or (C) through a secure web site or web site portal that is
50 accessible by such employer.

51 (c) Such insurer, health care center, hospital service corporation,
52 medical service corporation or other entity shall not be required to
53 provide such information to the employer more than once in any
54 twelve-month period.

55 (d) (1) Except as provided in subdivision (2) of this subsection,
56 information provided to an employer pursuant to subsection (b) of this
57 section shall be used by such employer only for the purposes of
58 obtaining competitive quotes for group health insurance or to promote
59 wellness initiatives for the employees of such employer.

60 (2) Any employer may provide to the Comptroller upon request the
61 information disclosed to such employer pursuant to subsection (b) of
62 this section. The Comptroller shall maintain as confidential any such
63 information.

64 (e) Any information provided to an employer in accordance with
65 subsection (b) of this section or to the Comptroller in accordance with
66 subdivision (2) of subsection (d) of this section shall not be subject to
67 disclosure under section 1-210. An employee organization, as defined
68 in section 7-467, that is the exclusive bargaining representative of the
69 employees of such employer shall be entitled to receive annually claim
70 information and the information set forth in subparagraphs (D) and (E)
71 of subdivision (1) of subsection (b) of this section from such employer
72 solely in order to fulfill its duties to bargain collectively on behalf of
73 such employees of such employer pursuant to section 7-469. An

74 employer shall provide such information to such employee
 75 organization not later than thirty days after a request by such
 76 employee organization.

77 (f) If a subpoena or other similar demand related to information
 78 provided pursuant to subsection (b) of this section is issued in
 79 connection with a judicial proceeding to an employer that receives
 80 such information, such employer shall immediately notify the insurer,
 81 health care center, hospital service corporation, medical service
 82 corporation or other entity that provided such information to such
 83 employer of such subpoena or demand. Such insurer, health care
 84 center, hospital service corporation, medical service corporation or
 85 other entity shall have standing to file an application or motion with
 86 the court of competent jurisdiction to quash or modify such subpoena.
 87 Upon the filing of such application or motion by such insurer, health
 88 care center, hospital service corporation, medical service corporation
 89 or other entity, the subpoena or similar demand shall be stayed
 90 without penalty to the parties, pending a hearing on such application
 91 or motion and until the court enters an order sustaining, quashing or
 92 modifying such subpoena or demand.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	38a-513f

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INS ***Joint Favorable***